

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 12-06-2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI

AND

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No.2788 of 2018

P.A.Thanigaivel Appellant/ Petitioner

-vs-

- 1.The Director of Town and Country Planning Department,
807, Anna Salai,
Chennai.
- 2.The Deputy Director,
Town and Country Planning,
Sathuvacheri,
Vellore.
- 3.The Nemili Panchayat Union,
rep.by its Special Officer,
Nemili, Nemili Taluk,
Vellore District.
- 4.Subash Respondents/ Respondents

Appeal under Clause 15 of the Letters Patent against the Order, dated 20.11.2018, passed in W.P.No.30447 of 2018 on the file of this Court.

Prayer in W.P.No.30447 of 2018:

Writ Petition filed under Article 226 of the Constitution of India Praying to issue a Writ of Mandamus Forbearing the respondents 1 and 2 from cancelling the petitioners layout approved in DTCP.No. 759(R)/ 2018 dated 25.05.2018 issued by the 2nd respondent without due process of law.

For Appellant : Mr.G.Jeremiah

For Respondents 1 to 3 : Mr.R.Udhayakumar,
Addl.Govt.Pleader.

For Respondent 4 : Mr.P.Krishnan,
for Mr.V.Balaji.

JUDGMENT
(By Dr.Vineet Kothari,J.)

This Writ Appeal has been filed against the order of a learned Single Judge, dated 20.11.2018, passed in W.P.No.30447 of 2018, whereby, the learned Single Judge dismissed the Writ Petition filed by the Appellant - writ petitioner, holding that since no order had been passed by the competent authority, namely, Deputy Director of Town and Country Planning, Vellore, cancelling the approval of the lay-out of the Appellant, the Writ Petition was premature and it was open to the appellant to show cause before the authority concerned, who served the impugned Show Cause Notice, dated 01.11.2018, which is placed on record.

2. Having heard the learned counsels for the parties, we are satisfied that the Writ Petition filed by the Appellant - writ petitioner was premature and on the basis of mere apprehension. Therefore, the learned Single Judge was justified in relegating the Appellant back to the authority concerned to show cause against the Notice. Admittedly, the Appellant has not filed any reply to the Show Cause Notice before the authority so far. Therefore, we decline to interfere with the order passed by the learned Single Judge and dismiss this Writ Appeal, with liberty to the Appellant to go before the authority concerned and show cause to the Show Cause Notice, dated 01.11.2018, by adducing proper evidence, based on which, the authority shall pass orders in accordance with law. No costs. Consequently, the connected C.M.P.No.23047 of 2018 also stands dismissed.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

dixit
To

1.The Director of Town and Country Planning Department,
807, Anna Salai,
Chennai.

2.The Deputy Director,
Town and Country Planning,
Sathuvacheri,
Vellore.

3.The Special Officer,
Nemili Panchayat Union,
Nemili, Nemili Taluk,
Vellore District.

+1cc to Mr.G.Jeremiah, Advocate SR.No. 47783

+1cc to Mr.V.Balaji, Advocate SR.No. 47718

+1 cc to Government Pleader Sr.No. 48046

W.A.No.2788 OF 2018

A.SK(30/07/2019)



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